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Electronically Filed on: August 14, 2017

Chapter 13 Trustee

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

CHARLES DAVIS LEWIS
VENESA SUZANNE LEWIS,
Debtors.

CASE NO. 17-50601-BTB
CHAPTER 13

**TRUSTEE'S AMENDED OBJECTIONS TO
CONFIRMATION OF AMENDED CHAPTER 13
PLAN**

Hearing Date: 08/24/2017
and Time: 3:00 pm
/ (Time Required – 1 minute)

The Trustee objects to confirmation of the Debtor(s) Chapter 13 Plan or any Amended Plan to the extent the proposed Plan contains provisions inconsistent with the provisions of 11 U.S.C. §1322 or to the extent the requirements of 11 U.S.C. §1325 have not been satisfied. In connection with plan confirmation, the Trustee requests that the court determine that the Debtor has complied with 11 U.S.C. § 521(a)(1) and, that the automatic dismissal provisions of 11 U.S.C. § 521(i) do not apply.

The Trustee raises the following additional confirmation issues that are checked below:

X The Plan does not satisfy the best interest of creditors test. 11 U.S.C. §1325 (a)(4). The scheduled value of the Debtors' non-exempt assets is **\$12,796.00**. The Trustee projects that holders of unsecured claims will receive distributions totaling approximately **\$6,889.20**.

X The Debtor(s) projected Disposable Income during the applicable Commitment Period is not applied to make payments to unsecured claims in this case. 11 U.S.C. §§1325(b)(1)(B) & (b)(2). Based on the supporting documentation provided to the Trustee and the Trustee's review of the Debtor's form B22C and Schedules I and J, the Debtor(s) has miscalculated their Current Monthly Income as defined by 11 U.S.C. § 101(10A) and their disposable income as defined by 11 U.S.C. § 1325(b)(2).

The Debtors' calculation of their income resulted in an over the median income level with a negative Monthly Disposable Income (-\$323.49). The Trustee's calculation of the debtors' income and expenses results in a positive Monthly Disposable Income (#45 on the B22C) of \$3,306.59, which would require unsecured creditors to receive 100% distribution. The Debtors are double counting the "actual house payment" expense of \$1,894.00 on the Form B22C, lines #10 and #33. The Debtors are also deducting an "ownership or lease" expense on the Form B22C, line #13c in the amount of \$868.00, in addition to the \$426.00 operation expense deducted on line #12. No

secured vehicle loan is scheduled nor provided for in the Debtors' Plan. Additionally, the Form (line #33e) includes a deduction of \$868.08 for a secured debt owed to Greater Nevada Credit Union for a 2014 Ford Chateau Motorhome. The Plan provides to cram down the 2014 Ford Chateau Motorhome to be paid through the Chapter 13 Plan over the five-year plan term in monthly installments of \$868.08.

The Trustee requests that the Debtors provide a copy of the Contract with Greater Nevada Credit Union to determine whether the proposed cramdown is equitable to unsecured creditors.

X The Plan does not provide for all scheduled administrative, secured and priority claims and/or the proposed Plan payments are not adequate to provide for full payment of all administrative, secured and priority claims. 11 U.S.C. §1322(a).

Arvest Central Mortgage Company (272 Welch Drive, Winnemucca NV) secured claim with arrears in the amount of \$879.94.

DATED: August 14, 2017

/S/ WILLIAM A. VAN METER

William A. Van Meter, Trustee

CERTIFICATE OF SERVICE

Pursuant to Fed. R. Bankr. P. 9014, 7004 and Fed. R. Civ. P. 4(g), I Candice Walker hereby swear under penalty of perjury that I am over the age of 18, not a party to the within action, and that on August 14, 2017, I Electronically Filed the attached **TRUSTEE'S AMENDED OBJECTIONS TO CONFIRMATION OF AMENDED CHAPTER 13 PLAN** and that upon the filing of the document I anticipate that the Bankruptcy Court will thereafter generate a Notice of Electronic Filing and electronically transmit the document to:

Dated: August 14, 2017

/S/ Candice Walker
Candice Walker

MICHAEL C. LEHNERS, ESQ.
429 MARSH AVENUE
RENO, NV 89509

CHARLES DAVIS
and VENESA SUZANNE LEWIS
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Served by First Class Mail

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